

ORDINANCE NO. 11-32

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING A QUITCLAIM DEED FROM BING CONSTRUCTION CORP., A FLORIDA CORPORATION, AS A SUCCESSOR IN INTEREST TO K & E CONSTRUCTION CORP., CONVEYING ALL RIGHT, TITLE AND INTEREST TO A VACANT PARCEL OF LAND TO THE CITY OF HIALEAH CONSISTING OF APPROXIMATELY 17,860 SQUARE FEET LOCATED INSIDE AN AREA EAST OF WEST 19 COURT, IF EXTENDED, SOUTH OF WEST 79 STREET, IF EXTENDED, AND NORTH OF WEST 76 STREET, HIALEAH, FLORIDA FOLIO NO. 04-2026-001-0322 IN CONSIDERATION OF \$10.00; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Ordinance 07-63 (June 30, 2007), accepted a quitclaim deed from Bing Construction Corp., a Florida corporation, conveying all right, title and interest to a vacant parcel of land consisting of 14,400 square feet within Pilot Parking Area No. 2 subject to a Florida Power & Light easement, having an assessed value of \$49,665.00 as of 2006; and

WHEREAS, the City of Hialeah assumed ownership and possession of the property, obtaining a Folio No. 04-2026-001-0325, while the balance of the vacant parcel of land remained in the ownership of Bing Construction Corp, retaining the original Folio No. 04-2026-001-0322; and

WHEREAS, in 2010, Bing Construction Corp. offered to convey its right, title and interest to the retained portion of the vacant land, Folio No. 04-2026, subject to a Florida Power & Light easement and payment of past-due taxes of \$2,894.74, having an assessed value of \$16,810.00, reduced from a 2009 assessed valuation of \$33,620.00; and

WHEREAS, the City of Hialeah finds it in its best interest to accept this offer of land and shall use the property for a public purpose consistent zoning regulations as adopted from time to time.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby accepts a quitclaim deed from Bing Construction Corp., a Florida corporation, as a successor in interest to K & E Construction Corp., conveying all right, title and interest to a vacant parcel of land to the City of Hialeah to the City of Hialeah consisting of approximately 17,860 square feet located inside an area east of West 19 Court, if extended, south of West 79 Street, if extended, and north of West 76 Street, Hialeah, Florida, Folio No. 04-2026-001-0322, in consideration of \$10.00, and legally described as follows:

THE EAST 160 FEET OF TRACT 18, LESS THE SOUTH 40 FEET, AND LESS THE NORTH 90 FEET, OF THE EAST 160 FEET, AND LESS THE NORTH 90 FEET OF THE SOUTH 240 FEET OF THE EAST 160 FEET, OF TRACT 18 OF CHAMBERS LAND COMPANY SUBDIVISION AS LOCATED IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having

jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

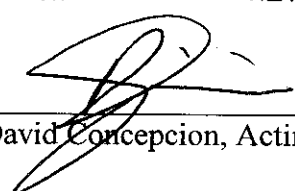
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

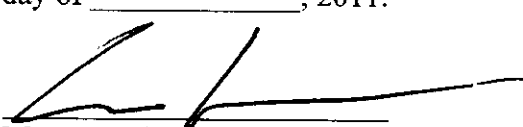
PASSED and ADOPTED this 14th day of June, 2011.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041


Isis Garcia-Martinez
Council Vice President

Attest: PRIOR TO FINAL READING. Approved on this ____ day of _____, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney



CFN 2011R0280624
DR Bk 27671 Pgs 3023 - 3024; (2pgs)
RECORDED 04/29/2011 16:02:19
DEED DOC TAX 0.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument prepared by:
GEORGE J. LOTT, Esq.
Dadeland Centre, Suite 1014
9155 So. Dadeland Blvd.
Miami, FL 33156

Parcel I.D. #04-2026-001-0322

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 1st day of March, 2011, by the K & E CONSTRUCTION CORP., now known as BING CONSTRUCTION CORP., a dissolved Florida corporation (the "Corporation"), first party*, to CITY OF HIALEAH, a Florida municipal corporation whose address is 501 Palm Avenue, Hialeah, Florida 33010, second party*:

WITNESSETH, that the said first party, for and in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party and its successors in interest, all the right, title, interest, claim and demand which the said first party has in and to the following described property, lying and being in Miami-Dade County, Florida, to wit:

East 160 Feet of Tract 18, less the South 40 feet, and less the North 90 feet, of the East 160 feet, and less the North 90 feet of the South 240 feet of the East 160 feet, of Tract 18, of the CHAMBERS LAND COMPANY SUBDIVISION located in the NW ¼ of Section 26, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida,

TO HAVE AND TO HOLD the same together with all and singular appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the said second party forever.

THIS CONVEYANCE is being made to wind up and liquidate the Corporation's business and affairs.

*Whenever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors of corporations, wherever the context so admits or requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

K & E CONSTRUCTION CORP. now
Known as BING CONSTRUCTION
CORP.

BY:

Laura Fidler
LAURA FIDLER, President
9730 West Broadview Drive
Bay Harbor, Florida 33154

Witness

Printed: Ben Azad

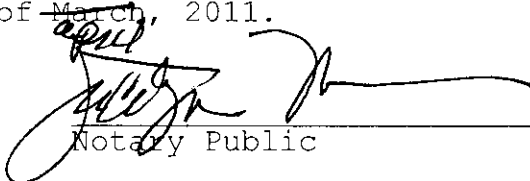
Witness

Printed: ADRIANA ORTHAL

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

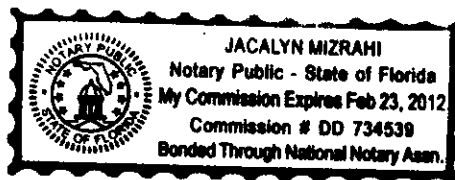
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LAURA FIDLER, as President of K & E CONSTRUCTION CORP. now known as BING CONSTRUCTION CORP., to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that she executed the same, and who presented as identification the following: Driver's License
_____, and she did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 1 day of April, 2011.



Notary Public

Printed: _____





CFN 2011R0280625
 DR 8k 27671 Pg 3025; (1pg)
 RECORDED 04/29/2011 16:02:19
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA
 LAST PAGE

This instrument was prepared by:
 GEORGE J. LOTT, Esquire
 Lott & Levine
 Suite 1014
 9155 South Dadeland Blvd.
 Miami, FL 33156

AFFIDAVIT - WINDING UP CORPORATE BUSINESS

COMES NOW, the undersigned, LAURA FIDLER, and after being duly sworn and cautioned, states as follows:

1. That Affiant has personal knowledge of the facts hereinbelow stated.

2. The Affiant is the president of K & E CNSTRUCTION CORP., now known as BING CONSTRUCTION CORP. (the "Corporation"). The Corporation was administratively dissolved on January 16, 2009 by the Florida Department of State for failure to pay file its Annual Report and pay the fee related thereto. The Corporation is the owner of the following described real property:

East 160 Feet of Tract 18, less the South 40 feet, and less the North 90 feet, of the East 160 feet, and less the North 90 feet of the South 240 feet of the East 160 feet, of Tract 18, of the CHAMBERS LAND COMPANY SUBDIVISION located in the NW ¼ of Section 26, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida (the "Property").

3. Contemporaneously herewith, the Corporation is conveying the Property to the City of Hialeah in furtherance of, and for the sole purpose of, winding up and liquidating its corporate business and affairs.

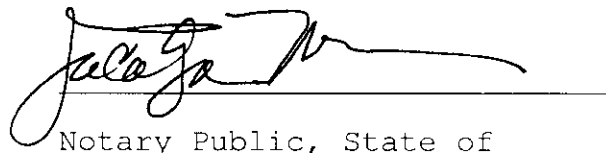
4. This Affidavit is made to induce Old Republic National Title Insurance Company to insure title to the Property.

FURTHER AFFIANT SAYETH NOT.

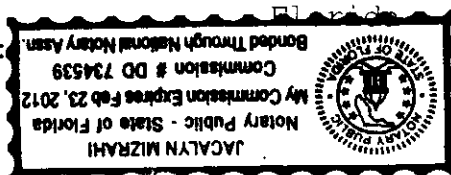

 LAURA FIDLER

STATE OF FLORIDA)
) SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 1 day of March, 2011, by LAURA FIDLER, who is personally known to me and/or drivers license who has produced drivers license, as identification and who did take an oath.


 Notary Public, State of Florida

My Commission Expires:



This instrument was prepared by:
GEORGE J. LOTT, ESQUIRE
DADELAND CENTRE, SUITE 1014
9155 SO. DADELAND BLVD.
MIAMI, FL 33156

CERTIFICATE OF INDIVIDUAL NON-FOREIGN STATUS

Section 1445 of the Internal Revenue Code provides that a Transferee (Buyer) of a U.S. real property interest must withhold tax if the Transferor ("Grantor") is a foreign person. To inform the Transferee ("Grantee") that withholding tax is not required upon the conveyance to CITY OF HIALEAH of the following described real property located in Miami-Dade County, Florida:

East 160 Feet of Tract 18, less the South 40 feet, and less the North 90 feet, of the East 160 feet, and less the North 90 feet of the South 240 feet of the East 160 feet, of Tract 18, of the CHAMBERS LAND COMPANY SUBDIVISION located in the NW ¼ of Section 26, Township 52 South, Range 40 East, lying and being in Miami-Dade County, Florida.

I, the undersigned President of Bing Construction Corp., (herein referred to as the "Owner") hereby certify the following:

1. That the Owner is not a nonresident alien for purposes of U.S. income taxation.

2. The U.S. taxpayer identifying number for the Owner is:

FEI#: 59-0973935

3. The Owner's principal place of business is:

9730 West Broadview Drive
Bay Harbor Islands, Florida 33154

I understand that this certification may be disclosed to the Internal Revenue Service by the Transferee and that any false statement I have made here could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete.

Dated this 1 day of ~~March~~, 2011.

APRIL

BING CONSTRUCTION CORP.

By:

Laura Fidler
LAURA FIDLER
President